

REMARKS

In view of the following remarks, reconsideration and allowance of this application is respectfully requested.

Claims 1 and 3-17 are pending in this application. Claim 16 is allowed. Claims 1, 3-15 and 17 stand rejected.

The Examiner has objected to claims 1, 3, 12-15 and 17 under 37 CFR 1.83(a) as allegedly failing to show the claimed interchangeability of the connector shell. These claims were also rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to describe the claimed interchangeability of the connector shell. Applicants submit that paragraphs [0010] and [0012] of the specification, Figs. 5 and 6 of the drawings, and claim 2 of the present application as filed provide support for the claimed interchangeability of the connector shell.

Paragraph [0010] describes a connector shell according to one embodiment of the present invention wherein the connector shell is “one of a set of interchangeable connector shells, each having a different configuration for use with a corresponding connecting cable.” Paragraph [0012] describes a connector shell according to one embodiment of the present invention wherein the connector shell can be fitted onto an insulator for connection to various kinds of connecting cables. There is no need to maintain an inventory of different connector versions because of the interchangeability of the connector shell.

Fig. 5 shows a terminal socket with a two-pin configuration joined to the connector shell while Fig. 6 shows a terminal socket with a three-pin configuration joined to the connector shell. Because the connector shell can accommodate alternative terminal ends, Figs. 5 and 6 support interchangeability of the connector shell. Furthermore, the use of screws 9, 10

show that the connector shell is removable, thus enabling the interchangeability of the connector shell.

Claim 2 as filed recited that the connector shell is one of a set of interchangeable connector shells each having a different configuration suitable for connection of a corresponding connector member of said connecting cable.

The Federal Circuit has instructed that “any party making the assertion that a U.S. patent specification or claims fails, for one reason or another, to comply with Section 112 bears the burden of persuasion in showing said lack of compliance.” *Fiers v. Revel v. Sugano*, 25 U.S.P.Q.2d 1601, 1607 (Fed. Cir. 1993) (quoting *In re Marzocchi*, 169 U.S.P.Q. 367, 369 (C.C.P.A. 1971); *Weil v. Fritz*, 202 U.S.P.Q. 447, 450 (C.C.P.A. 1979)). See also *In re Angstadt*, 190 U.S.P.Q. 214, 219 (C.C.P.A.) (citing *In re Armbruster*, 185 U.S.P.Q. 152 (C.C.P.A. 1975)) (“[T]he PTO has the burden of giving reasons, supported by the record as a whole, why the specification is not enabling...”). Applicants respectfully submit that, in view of the foregoing, the Examiner has not and cannot meet this burden. It is clear from the present application as filed that Applicants had possession of the claimed invention in accord with 35 U.S.C. § 112.

Accordingly, it is submitted that (i) claims 1, 3, 12-15 and 17 do not run afoul of 35 U.S.C. § 112, first paragraph as such claims are fully supported by the specification and (ii) the drawings do not run afoul of 37 CFR 1.83(a) as they show every feature of the invention specified in the claims. Notice to this effect is earnestly solicited.

The Office Action stated that corrected drawing sheets in compliance with 37 CFR 1.121(d) were required in reply to the Office Action to avoid abandonment of the application. In a telephone conference with Applicants’ attorney, Leslie Nguyen, on May 4, 2006, the Examiner stated the application would not become abandoned if corrected drawing

sheets were not submitted with this Response so long as Applicants addressed the drawing objections by pointing out support in the specification and the drawings, as Applicants have done above. The Examiner further stated that she would take Applicants' arguments into consideration on this issue. The Examiner also stated that if she disagreed with Applicants' arguments, she would issue an additional request for corrected drawing sheets at a later time. In view of the Examiner's statements to Applicants' attorney and Applicants' bona fide attempt to advance the application to final action under 37 CFR 1.135(c), corrected drawing sheets are not required at this time.

Turning now to the substantive claim rejections, independent claims 1 and 17 and dependent claims 3 and 12-15 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,558,178 to Nakamura (hereinafter "Nakamura"). Applicants respectfully traverse the foregoing claim rejections.

As set forth in detail in the present application and as described in previous submissions, Applicants' invention is directed to a new pressure-tight contact device especially of the type employed in connection with a pressure-tight encapsulated electric motor for driving, for example, a compressor used in a vehicle air suspension system. The inventive contact device includes an insulator extending through and sealed relative to a pressure-tight housing. One or more contact pins (electrically connected to the motor, for example) are retained in and extend through the insulator and are sealed relative to the insulator. A connector shell is positioned on the insulator, sealed relative to the insulator, and affixed to the insulator or the housing. The connector shell includes a terminal receptacle or socket for engaging a separate mating connector attached to an electric connecting cable (i.e., a plug). One or more contact tabs are disposed in

the connector shell in secure electrical contact with the contact pin(s) and extend into the terminal socket to engage the mating connector (plug).

The connector shell can be one of a set of interchangeable connector shells each having a different configuration for mating with a corresponding plug. In essence, the connector shell provides a pressure-tight, interchangeable contact assembly interposed between contact pin (e.g., leading to the motor or other encapsulated device) and plug (e.g., leading to current supply lines or further signal lines) -- as explained below, such a novel construction and arrangement is not described or even suggested in any of the references cited by the Examiner in the Office Action.

Nakamura describes embodiments of a waterproof connector 50 (see Fig. 9) having a small size due to the reduction of surplus space. Connector 50 has two open ends, one of which (the anterior end) forms a hood 53 for housing a mating connector 30. Connector 50 also has an inner housing 52 and an outer housing 51. A sealing ring 61 is fitted into a groove 55A formed in a wall 53A of the posterior end of the outer housing. As a result, the sealing ring can be provided without increasing the outer circumference of a fitting space 60 (see Fig. 8). Furthermore, the fitting space has no surplus space corresponding to the thickness of the sealing ring.

Nakamura does not disclose, suggest or yield the present invention as claimed in independent claims 1 and 17 -- significant differences in construction and arrangement exist between the device claimed in the present application and the device disclosed in Nakamura that warrant the immediate withdrawal of the claim rejections on anticipation grounds. Nakamura does not disclose each element of the rejected claims, and accordingly, the Examiner has not made out a *prima facie* case of anticipation.

Nakamura nowhere teaches or suggests the contact device according to the present invention as affirmatively claimed in independent claims 1 and 17 of the present application comprising the interchangeable connector shell with its plug receiving terminal socket including one or more contact tabs in electrical contact with one or more contact pins extending through the insulator. It is respectfully submitted that the Examiner misinterprets Nakamura as disclosing the terminal socket including a contact tab according to the present invention. Barrel 44 for connecting a wire and distal tab 42 as elements of the Nakamura plug 30 are not relevant to the contact tab of the present invention which forms part of the interchangeable connector shell's terminal socket for receiving a plug.

Furthermore, contrary to the Examiner's interpretation of Nakamura, element 52 of Nakamura does not correspond to the insulator according to the present claimed invention in which the contact pin(s) is(are) retained. Even assuming *arguendo* that element 52 is an insulator of the general type employed in the present invention under consideration, element 52 does not extend through the housing as affirmatively required in claims 1 and 17 of the present application. Extension of the insulator through the housing in accordance with the present invention facilitates the affixation and sealing of the connector shell relative to the insulator – contributing to the pressure-tight characteristic of the claimed inventive device.

Accordingly, claims 1 and 17 of the present application recite features and structure nowhere found in the Nakamura reference, and, thus, Nakamura cannot anticipate claims 1 and 17.

The Federal Circuit has instructed that anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *See W.L. Gore & Assocs. v. Garlock, Inc.*, 220 U.S.P.Q. 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 841 (1984);

see also Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984) (requiring that the prior art reference disclose each element of the claimed invention arranged as in the claim). Considering that the device of the present invention as claimed in independent claims 1 and 17 differ in structure and arrangement from the device disclosed in Nakamura, as provided above, it is respectfully submitted that the Examiner has not made a *prima facie* case of anticipation, and that claims 1 and 17 are thus patentable over Nakamura. Notice to this effect is earnestly requested.

Furthermore, given the fact that there is no disclosure in Nakamura of any details whatsoever concerning an interchangeable connector shell with its plug receiving terminal socket including one or more contact tabs in electrical contact with one or more contact pins extending through an insulator, Applicants respectfully submit that, absent the present application for patent, the Examiner would not have perceived a disclosure of the device of the present invention in Nakamura. By taking in hindsight knowledge of the device according to the present invention and attributing elements thereof to Nakamura to fashion claim rejections under 35 U.S.C.

§ 102(e) when the cited art does not contain or support the knowledge, it is respectfully submitted that the Examiner is impermissibly using the claimed invention as a blueprint for its own reconstruction. The invention must be viewed not after the blueprint has been drawn by the inventor, but as it would have been perceived in the state of the art that existed at the time the invention was made. See e.g. *Interconnect Planning Corp. v. Feil*, 227 U.S.P.Q. 543, 547 (Fed. Cir. 1985), *W.L. Gore & Assoc. v. Garlock, Inc.*, 220 U.S.P.Q. 303, 312-13 (Fed. Cir. 1983). Accordingly, Applicants respectfully dispute the Examiner's contention that Nakamura teaches the present invention as affirmatively claimed in independent claims 1 and 17.

It is further submitted that dependent claims 3 and 12-15 are also allowable by reason of their various dependencies from independent claim 1, as well as for the additional features and structure recited therein. Notice to this effect is also earnestly requested.

Independent claims 4 and dependent claims 5-9 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,890,930 to Gerow (hereinafter "Gerow") in view of U.S. Patent No. 4,355,855 to Rebikoff (hereinafter "Rebikoff").

Gerow describes embodiments of a field-replaceable connector including a shell 20, a main insulator 22 within the shell and main contacts 24 in the main insulator having socket front ends 30. An insert module 32 includes an insulator 36 and contacts 38 with pin-type ends. The insert module is inserted into the shell of the connector to mate with the main contacts. If the front ends 40 of the insert contacts are damaged, the connector can be repaired in the field by merely removing the first module and replacing it with another module. A connector system according to Gerow includes a second field replaceable connector which is mateable with the first one, and which is of corresponding construction.

Gerow does not disclose or yield the present invention as claimed. Gerow nowhere teaches or suggests the contact device according to the present invention as affirmatively claimed in independent claim 4 of the present application comprising the connector shell and terminal socket including one or more contact tabs in elastic and electrical contact with one or more contact pins extending through the insulator. Indeed, the Examiner acknowledged as much when she previously allowed claims 4. Applicants respectfully request the Examiner to reconcile her previous allowance of claim 4 in view of Gerow (Gerow being known to the Examiner since the first Office Action on the merits in this case), with her new-found reliance on Gerow as a principal reference in the rejection of claims 4.

Rebikoff describes embodiments of a waterproof, electrical connector with a bulkhead mounted receptacle having an O-ring compressed between the bulkhead and the mating surface of the receptacle shell. An O-ring 56 is provided about a pin contact 54 for mating with a rubber insulator 48. Applicants respectfully submit that Rebikoff does not overcome the severe deficiencies of Gerow. Indeed, Rebikoff is not directed at the present invention. Rebikoff is primarily concerned with a connector that maintains watertight integrity at increased pressure. Rebikoff nowhere teaches or suggests the contact device according to the present invention comprising the connector shell and terminal socket including one or more contact tabs in elastic and electrical contact with one or more contact pins extending through the insulator. Thus, claim 4 is respectfully asserted as allowable over the cited combination of references. Notice to this effect is earnestly requested.

It is further submitted that dependent claims 5-9 and 11 are also allowable by reason of their various dependencies from independent claim 4, as well as for the additional features and structure recited therein. Notice to this effect is also earnestly requested.

Dependent claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Gerow and Rebikoff and further in view of U.S. Patent No. 5,511,990 to Klemen (hereinafter "Klemen").

Klemen, cited by the Examiner in combination with Gerow and Rebikoff for its disclosure of a screw, describes embodiments of an electrical interface connector assembly 10 that blocks the intrusion of undesired substances and elements from the environment. The connector assembly has a generally U-shaped receptacle 14 that is incorporated in a motor housing 12. A sealing gasket 18 overlies a connector block 16 and is secured by a retainer plate 20 that is fastened to the receptacle by screws 22. As detailed above, neither Gerow nor

Rebikoff, alone or in combination, teaches or suggests the contact device according to the present invention comprising the connector shell and terminal socket including one or more contact tabs in elastic and electrical contact with one or more contact pins extending through the insulator.

Applicants respectfully submit that Klemen does not overcome the severe deficiencies of Gerow and Rebikoff. Indeed, Klemen is not directed at the present invention. Klemen is primarily concerned with preventing the intrusion of undesired substances and elements in the environment past assembly 10. Screws 22 are used to force retainer plate 20 down to compress gasket 18 to create an effective seal such that environmental substances and elements will be barred from the housing. Klemen nowhere teaches or suggests the contact device according to the present invention comprising the connector shell and terminal socket including one or more contact tabs in elastic and electrical contact with one or more contact pins extending through the insulator. Thus, claim 10 is respectfully asserted as allowable over the cited combination of references by virtue of its dependency from claim 4, as well as for the additional features and structures recited therein. Notice to this effect is earnestly requested.

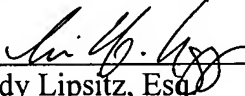
The Examiner identified U.S. Patent No. 3,922,477 to Glowacz but did not apply it against the claims of the present application. Applicants submit that no comment regarding the Glowacz patent is deemed necessary or appropriate at this time.

On the basis of the foregoing remarks, Applicants respectfully submit that this application is in condition for immediate allowance, and notice to this effect is respectfully requested. The Examiner is invited to contact Applicants' undersigned attorneys at the telephone number set forth below if it will advance the prosecution of this case.

No fee is believed due with this Response. Please charge any fee deficiency to

Deposit Account No. 50-0540.

Respectfully submitted,



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